

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

STEAUVY R. CLARK

CIVIL ACTION NO. 17-cv-1255

VERSUS

JUDGE ROBERT G. JAMES

CLECO POWER, LLC

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Stevy Clark ("Plaintiff"), who is self-represented, filed this civil action against a former employer for alleged employment discrimination. The complaint was filed on a form provided by the Clerk of Court, and it includes as an exhibit a notice from the EEOC that it was unable to conclude that the information it obtained established a violation of federal law.

Plaintiff moved to proceed in forma pauperis, but the court found that he had sufficient funds to pay the \$400 filing fee and ordered that he do so within 90 days. Doc. 5. Plaintiff submitted the filing fee less than 30 days later, and the Clerk of Court immediately issued a summons form for Plaintiff to serve on defendant Cleco. The Clerk also issued a letter to Plaintiff that explained the basic rules regarding service and warned that the case could be dismissed under Local Rule 41.3 if no service had been made within 120 days after filing of the complaint. (That local rule, and the corresponding Federal Rule of Civil Procedure 4(m), were amended to reduce the time for service to 90 days, but the court's notice form had not been updated at the time it was issued in this case.)

Cleco filed a Motion to Dismiss (Doc. 7) 91 days after the complaint was filed. It represented that it had not been served and asked that the court dismiss the complaint pursuant to Federal Rule of Civil Procedure 4(m) and Local Rule 41.3. It had been more than 90 days since the complaint was filed, but the Clerk of Court had issued summons only three weeks earlier due to the delays associated with processing the motion to proceed in forma pauperis and the collection of the filing fee. Furthermore, the court had mistakenly advised Plaintiff that he had 120 days to make service.

A court may extend the time under the rules on a showing of good cause. The court also has discretion to extend the time for service even when there is not a showing of good cause. Thrasher v. City of Amarillo, 709 F.3rd 509, 510 (5th Cir. 2013). Considering the circumstances, the court finds that it is warranted in exercising its discretion to extend the time for completing service. Plaintiff will be allowed until **March 29, 2018** to file evidence of service on Cleco Power, LLC.

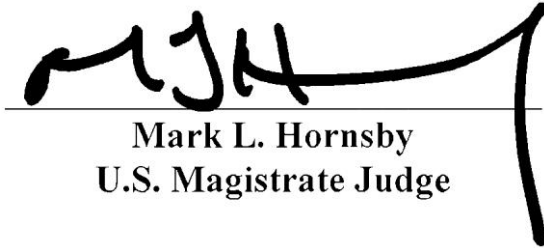
The undersigned will defer making a recommendation regarding Cleco's motion to dismiss until the extended deadline has passed. The rules for service of process are set forth in Federal Rule of Civil Procedure 4. The court notes that the Secretary of State lists two registered agents for the named defendant: Mark D. Pearce and Michael W. Joseph, both at 2030 Donahue Ferry Road, Pineville LA 71360.

Plaintiff is advised that this is not an informal agency proceeding. It is a court proceeding that will require significantly more time and effort from him than the less formal agency proceedings before the EEOC. Service of the summons and complaint are merely the first step in the process. If Plaintiff succeeds in serving Cleco, the court will

issue instructions regarding scheduling and will set deadlines for conducting discovery, the filing of motions, and related matters. Plaintiff, although he is self-represented, will be obligated to follow the court's orders and the applicable procedural rules. Neither the judge's staff nor the Clerk of Court may give him legal advice.

Plaintiff must keep the court informed of a current address. If Plaintiff should have a change in address, Plaintiff must notify the Clerk of Court in writing. If mail is issued to Plaintiff and it is returned for an insufficient address, it may lead to dismissal of this case. If at any time Plaintiff does not wish to pursue this case, Plaintiff may communicate that to the court in writing, and the case will be dismissed.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 28th day of February, 2018.



Mark L. Hornsby
U.S. Magistrate Judge